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Sustainability of Assisted Voluntary Return

Introduction

The International Organization for Migration, or IOM, has increasingly come under fire in recent years from some of the most well respected organizations and establishments in the international community concerning the lack of oversight on Assisted Voluntary Return (AVR) programs.¹ If we do not act soon, our organization will lose the credibility it has worked so hard to achieve over the past sixty years with governments and the migrants we seek to serve. Such a loss would likely compound upon itself, leading to the collapse of the AVR programs. Irregular migrants would consequently be forced into poorly managed Pay-To-Go schemes or to endure traumatizing deportations run through state governments. Even as governments increasingly opt to partner with the IOM concerning the voluntary return of irregular migrants,² the future of AVR programs and the IOM's ability to implement them is in jeopardy.

Assisted Voluntary Return Programs

Voluntary return programs date back to the early to mid-1970s and the frequent economic recessions which plagued Europe existing during that time. To cope with the excess labor populations within their borders, countries tried to implement programs to

¹Human Rights Watch, "IOM and Human Rights Protection in the Field: Current Concerns" Submitted by Human Rights Watch to IOM Governing Council Meeting 86th Session, (Geneva: November 18-21, 2003).

² Christian, Mommers, "Just swim out to sea: Human rights and the limits of voluntary departure as legal obligation" (paper presented at ACCESS DENIED Conference, Amsterdam 13-14 March, 2012) 1.

entice temporary guest-workers to return to their countries of origin. These initial programs included the Dutch Reintegration of Emigrant Manpower and Promotion of Local Opportunities for Development, or REMPLD, in 1974, which disbanded in the 1980s.³ This particular program attempted to encourage workers to return to their country of origin and begin entrepreneurial ventures, a theme taken up with the IOM several years later.⁴ While not particularly successful during its tenure, REMPLD's strategy provided a basis for the development of other return programs in later decades. The French also generated *Aide au Retour* in 1977, trying to convince migrants to leave in return for cash payments.⁵ Germany's 1983 act to promote the Preparedness of Foreign Workers to Return was similar to the French case in its use of monetary incentives.⁶ The above three cases are similar in three primary ways, the belief that immediate monetary benefit would persuade workers to return, their primary focus on legally resident foreign nationals, and that they each failed to convince large numbers of migrants to leave the country. Nevertheless, these programs provided a foundation for the IOM's own venture into the realm of voluntary return programs.

The IOM entered into assisted returns comparatively late in the game, implementing our first program in 1979. Unlike earlier government sponsored programs, which primarily sought to expel unwanted foreigners from a state's borders, our organization brought the perspective of an intergovernmental group seeking to better the lives of the migrants

³ Migration Policy Institute. *Pay-to-Go Schemes and Other Noncoercive Return Programs: Is Scale Possible?* by, Richard Black, Michael Collyer, and Will Somerville (Washington DC: Migration Policy Institute, 2011), 9.

⁴ Dominic Casciani, "Afghans resisting leaving UK," *BBC News*, http://news.bbc.co.uk/2/hi/south_asia/6212156.stm (accessed 13 Nov. 2013).

⁵ *Pay-to-Go Schemes and Other Noncoercive Schemes*, 9.

⁶ Development Research Center on Migration, Globalisation, and Poverty. *Assisted Voluntary Return (AVR): an Opportunity for Development?* Briefing No 20. (September 2009), 1-2.

themselves, while continuing to benefit the governments involved. In working with and between the governments of origin and of destination, the IOM better enables irregular migrants to improve their lives upon their return home. In discussing returns, I refer to the standard definition as given by our organization, as “the act of going back from a country of presence—either transit or destination—to the country of origin.”⁷ This definition includes a number of variations of return, but our main focus is on voluntary, where the act of returning is “based on a decision freely taken by the individual” and encompasses both the freedom of choice, including the absence from psychological pressures as well as physical, as well as the ability to make an informed decision.⁸ Further, while original schemes dealt only with legal residents of various countries, the IOM aids in the return of “irregular” migrants, an inclusive term featuring migrants who have been caught crossing borders illegally, as well as those who have applied, but been denied, asylum.⁹ These definitions were developed early on, and the AVR programs run through the IOM slowly grew to their current state as an irreplaceable facet of the global migration system. In 1994, the Council of Europe took note of the benefits of IOM run return programs, and began urging its members to work more closely with our organization.¹⁰ Since that time, more and more countries have sought out the IOM for aid in assisting with the return of irregular migrants, leading to consideration of the AVR division as an indispensable component of migration management.¹¹

⁷ International Organization for Migration. *Assisted Voluntary Return and Reintegration Handbook* Chapter 2: Assisted Voluntary return and reintegration (Geneva, 2010), 6.

⁸ IOM, “Assisted Voluntary Return and Reintegration: Annual Report of Activities 2010,” Migration Assistance Division/Department of Migration Management (Geneva: 2010), 85.

⁹ IOM, “Assisted Voluntary Return and Reintegration,” 85.

¹⁰ Mommers, Christian, “Just swim out to sea” 4.

¹¹ IOM, “Assisted Voluntary Return and Reintegration,” 24.

AVR Programs and the IOM

Today, the IOM is viewed as a more humane and cost-effective return solution for governments, while also proving attractive to potential returnees and contributing to the development of the country of origin. Where forced return would burden the state concerned with substantial financial costs involved in detaining the migrant for an extended period of time, Assisted Voluntary Return programs eliminate the elements costly to governments, such as long-term detention and chartered flights for return. These programs also prevent the migrant from experiencing the suffering and hardship involved in detention and deportation by providing constructive incentives for the person to use in the present as well as to prepare for their future back home. One of the most important incentives includes the opportunity to return home in dignity. For the migrant, this means it is in his ability to return home on his own terms, rather than fettered and surrounded by an armed escort. Another benefit is the option to receive reintegration assistance from the IOM which can fund the migrant's new living situation in his home country, provide job training, or any number of other benefits to better his social and economic standing. Such benefits would also contribute to the development of small-scale businesses in the country of origin with new producers, workers, and consumers. The migrant would also send a message to acquaintances that irregular migration is not the positive option it is often perceived as being.¹² With such broad incentives, modern day IOM sponsored voluntary return programs diverge greatly from the initial, monetary based programs of the 1970s.

¹² IOM. "Harnessing the Potential of Migration and Return to Promote Development." Prepared by Savina Ammassari and Richard Black for University of Sussex, UK. IOM Migration research series. No. 5, (Geneva: August 2010).

There are three main types of Assisted Voluntary Return programs constructed and managed by the IOM. There are those available to all irregular migrants, those for irregular transit migrants, and those who are country- or caseload- specific.¹³ Irregular migrants are those which have been found to have crossed state borders illegally and are currently residing in the country. Those in this first group are either in detention or have been notified of the need to leave by the government. Irregular transit migrants are those who were found to have crossed borders illegally, but have not yet reached their intended destination. Caseload specific migrants include all other forms of situations facing irregular migrants facing return. Funding for all programs relies on either donor or host governmental funding, though sometimes both are used in tandem.¹⁴ Once attained, funds are spread between the three primary stages of the program: pre-departure, transportation, and post-arrival. At each of these stages, the IOM makes full use of its numerous field offices and regional hubs worldwide to better coordinate and manage the procedure.¹⁵

Field offices are centralized by region, with smaller offices dispersed in cities throughout, so each migrant has the opportunity to receive a personalized program within their locality by experts most familiar with the region. All levels of the AVR programs themselves are further tailored to meet the needs of each migrant depending on their current situation and what awaits them upon return. Initially, the migrant may benefit from the dissemination of information and medical care, particularly in regards to counseling, which

¹³ Koser, Khalid. "The Return and Reintegration of Rejected Asylum Seekers and Irregular Migrants: An Analysis of government assisted return programmes in selected European countries," Prepared for IOM (London: University College of London, May 2001). 5-6.

¹⁴ IOM, "IOM Assisted Voluntary Return Programmes In Europe," Annex III to IOM's comments on EU Green Paper on a Community Return Policy, May 2002.

¹⁵ IOM, "IOM Organizational Structure," *About the IOM*, <http://www.iom.int/cms/about-iom/organizational-chart>, (accessed Nov. 1, 2013).

can aid them post-return.¹⁶ The critical stage is during post-arrival, where the returnee may require further transport to their final destination, increased medical assistance, and reintegration assistance. This is where the pre-planned program with its previous agreements for assistance may need to be altered to match on-the-ground realities facing the migrant and program coordinator. The final asset is one of the key components of IOM AVR programs, with wide-ranging benefits for the returnee. In many instances, a returnee will receive job training or placements, further medical assistance, or other assistances to support reintegration into the country.¹⁷ These options are designed to allow for a better life to be made by the returnee and help to improve the lives of their home community as well, though the actual sustainability and effectiveness of such benefits is yet to be determined.

Sustainability, in the case of return programs, concerns the durability of return over a period of time as assessed by “the continued presence of the returnee in the country of origin or by the fact that he/she no longer opts for emigration at any price to leave behind difficulties encountered in the country of origin.”¹⁸ The IOM currently concludes its involvement with individual cases at the conclusion of the third step and does not monitor conditions for the returnee after return, a problem which has remained unaddressed due to the lack of oversight within the organization.

Current Government Sponsored Return Programs

While voluntary or incentive-inspired return programs outside of the IOM’s AVRs are rare, some governments have chosen to implement their own initiatives in addition to

¹⁶ IOM, “IOM Organizational Structure.”

¹⁷ IOM, “Assisted Voluntary Return and Reintegration,” *What We Do*. <http://www.iom.int/cms/return-assistance-migrants-governments>. (Accessed Nov. 17, 2013.)

¹⁸ IOM, “Assisted Voluntary Return and Reintegration,” 24.

enlisting our organization's aid. One of the major examples of this is the Choices program in the United Kingdom, which offers impartial advice and information to potential returnees and acts as a guidebook to other options if return is not chosen as an option.¹⁹ Unlike the IOM, Choices primarily functions to inform and aid migrants before and during the process of returning to their country of origin, limiting its scope of influence. Choices does however, work hand in hand with the UK Voluntary Assistance Return and Reintegration Programme (VARRP), as it instructs returnees on how the UK Home Office functions. The VARRP is unique amidst government run programs in that it does not solely center on monetary incentives, but offers full packages to the migrant and his or her entire family, should they join them on the return trip. This package is meant to facilitate successful reintegration of the migrant into the home country through setting up a business, education, job placement, or skills training, similar to that of current IOM policies.²⁰ It differs in that assistance is only offered to those who entered the UK illegally or overstayed their visas, but are not offered to applicants for asylum, failed or otherwise.²¹ These are small steps taken by the UK government to handle return programs, however they continue to enlist the support of the IOM after the initial stages of information dissemination.

Another recent example emerged with the Spanish Voluntary Return Plan, launched in November of 2008 to entice unemployed foreign nationals living legally within the country to return to their home countries.²² Although the government was initially optimistic,

¹⁹ Choices, "What Does Choices Offer?" *About Choices*, <http://www.choices-avr.org.uk/> (accessed Nov. 17, 2013).

²⁰ UK Home Office, "Voluntary Return" *UK Border Agency: Home Office*, <http://www.ukba.homeoffice.gov.uk/asylum/outcomes/unsuccessfulapplications/voluntaryreturn/> (accessed October 12 2013).

²¹ UK Home Office, "Voluntary Return."

²² *Pay-to-Go Schemes and Other Noncoercive Schemes*, 9.

the program failed miserably, falling far short of its targeted 87,000 returnees.²³ Like other countries attempting voluntary return programs, Spain found it difficult to entice their temporarily unemployed residents to leave a positive future in Europe for return to a more difficult life in their home country.

The latter case builds upon a Pay-to-Go scheme employed by some governments, which have historically been the most likely structure to be used for return programs, though it also tends to be the most likely to fail. These schemes are designed to work opposite forced removals or returns in order to eliminate the cost, legal barriers, and political obstacles governments have no desire to deal with.²⁴ The core idea underlying this system is to give migrants living in the destination country, usually a European state, a cash sum which they will receive after voluntarily returning to their home country. Pay-to-Go programs are based upon a theory that foreign workers or irregular migrants desire to return home, but do not have the means to do so and returning in the shackles of deportation is too humiliating to allow them to start anew back home.²⁵ Typical Pay-to-Go schemes presuppose that the migrant would choose the immediate, monetary benefit of voluntarily returning to the country of origin, where their future may be in greater jeopardy, rather than remaining in the more stable destination country. While irregular migrants with little other choice than being subjected to forced deportation may take up the offer, those with other options would be less inclined to do so. And while the government sponsoring the program may see its many benefits, there is little understanding in current research of the success of integration and futures of those who have returned. The organization has sadly sparse data available on the

²³ *Pay-to-Go Schemes and Other Noncoercive Schemes*, 9-10.

²⁴ *Pay-to-Go Schemes and Other Noncoercive Schemes*, 1.

²⁵ Parliamentary Assembly, "Voluntary return programmes: an effective, humane and cost-effective mechanism for returning irregular migrants report," Committee on Migration, Refugees, and Population (June 4, 2010).

average wage earned, the probability of job retention, or the physical and mental health of these returnees.

At Stake for the IOM

Considering the above, the failed Pay-to-Go schemes and IOM's AVR programs have something in common: ignorance. In both cases, neither the governments, the organizations, nor the returnees involved had a thorough understanding of the long-term, or even short-term, results of their programs. The immediate benefits appear to be clear; voluntary return programs are cost-effective and provide immediate opportunities for advancement. At least, that is what the architects of the programs foresee. The issue at hand is that our organization does not know if the person-to-person results of our own return programs elicit the same outcomes which we assume to develop after the program's conclusion. This single case of deficient oversight, left unaddressed, may incur severe consequences for the IOM and all humanitarian-oriented return programs.

The IOM is an organization which prides itself on meeting the growing operational challenges inherent in global migration management while maintaining and upholding the human dignity and overall well-being of migrants.²⁶ AVR programs add to this goal by pursuing and aiding the development of countries of origin both socially and economically.²⁷ Yet without general oversight, we have no definitive means of knowing whether our programs are living up to IOM standards, let alone basic international standards on migrant rights. While there is great power in our programs to enhance the lives of migrants, there is

²⁶ IOM. "Mission," http://www.iom.int/files/live/sites/iom/files/About-IOM/docs/iom_strategic_focus_en.pdf (accessed Oct. 12 2013).

²⁷ Parliamentary Assembly, "Voluntary return programmes."

also a dangerous potential for human rights violations. This would be the case if, for instance, a returnee would be introduced—or re-introduced, depending on circumstances—to a life-threatening or otherwise hazardous situation. Human Rights Watch and Amnesty International have taken notice of this possibility, and have already begun calling upon the IOM to further assess and evaluate its own programs.²⁸ Similarly, the IOM's responsibility to protect the rights of the migrant may be in jeopardy if economic or social conditions force the returnee to attempt to illegally travel into a country of destination once more. In this case, it is likely the person would again be found as an irregular migrant and subjected to incarceration and deportation.

The very legitimacy of the organization may also be called into question. If criticisms from the international community continue, and we choose not to act, the IOM may be seen as a mere puppet organization of rich, European governments, a tool to make deportation appear more palatable to the general public. This would break down the trust developed between the IOM and countries of origin, and greatly reduce our ability to incorporate such countries into the return process. Such an event seriously hamper any future efforts of the organization to improve everyday life in those countries, and thereby perpetuate the cycle of former returnees attempting to migrate into destination countries. Just as former returnees may seek to leave their country again, there is a high chance that new migrants will illegally cross borders in hopes of a better future. Losing legitimacy would also weaken a government's inclination to enlist IOM support to engage in voluntary returns, and choose other options available to them. One such option may be of governments to return to the sole use of forced removals as a means of deporting irregular migrants, depriving migrants of any

²⁸ Human Rights Watch, "IOM and Human Rights Protection in the Field".

possibility of creating a more prosperous life upon return and, once again, increase the possibility for repeat illegal migration.

There is simply too much at stake for our organization to continue business as usual. While minimal efforts have been made in recent years to review the effectiveness and sustainability of AVR programs, the organization invariably lacks the resources—human and monetary—to conduct accurate, retrospective research while also monitoring active situations.²⁹ More must be done to confront this situation before the AVR programs collapse. Given the gravity of the situation at hand, I have outlined three potential courses of action which the organization could undertake in the coming months.

Recommendations

The first option for the IOM would be to continue the AVR programs according to present day standards and procedures. Routine tasks would continue to function as normal, and no segments of the organization would be disrupted or altered. This choice is a comfortable option, but not one which would protect the legitimacy and future of voluntary return programs in the IOM. Choosing to take no action on this matter would leave the IOM open to further criticism from the international community. Human rights organizations, seeking to protect the interests of the migrants, would continue to broadcast their harsh criticisms of IOM run programs unless we develop conclusive proof of the effectiveness and sustainability of voluntary return. State governments would become increasingly disenchanted with IOM management of return operations and resort to forcible returns,

²⁹ IOM, “Assisted Voluntary Return and Reintegration,” 75-77.

further disrupting the global migration system and perpetuating irregular migration.³⁰ Other non-governmental and intergovernmental organizations attempting to develop localized voluntary return programs would find the international climate less favorable and face potential failure, should the world lose faith in the viability of such programs due to the IOM's inaction. While this option is a possibility, it is one which I highly caution against, given the numerous repercussions it would incur throughout the international community, both in the immediacy and in the future.

A second potential course of action for the organization would be to enlist an outside organization or corporation to conduct monitoring procedures as an unbiased third party. This option would take control of the situation out of IOM hands, and place all authority for oversight in the hands of an independent body. This is part of a more specified demand for independent oversight, situated within the general call throughout the international community to increase monitoring and follow-up procedures of the voluntariness of pre-departure decisions and post-return integration of migrants.³¹ Such an action would be a cost-effective action for the IOM to take, as current resources do not allow for thorough oversight or research. The Parliamentary Assembly for the Council of Europe is one of the most vocal groups calling for predominantly independent monitoring of IOM programs, believing such an option would allow for greater transparency and help protect European governmental interests.³² And while many organizations may favor this option due to the perceived transparency independent oversight may offer, the reality of the situation would beg to differ.

³⁰ Roger Zetter, "Forced Migration-Changing trends, new responses," *Migration Policy Practices, Issues, October-November 2012*, <http://www.iom.int/cms/en/sites/iom/home/what-we-do/migration-policy-and-research/migration-policy-1/migration-policy-practice/issues/october-november-2012/forced-migration--changing-trend.html>. (accessed Nov. 17 2013).

³¹ Human Rights Watch, "IOM and Human Rights Protection in the Field".

³² Parliamentary Assembly, "Voluntary return programmes."

Designating monitoring to an independent organization or private corporation would instead produce a kind of corporate veil, blurring the ability of the public and our own organization to perceive the actual success and failures of our own programs.³³ While soliciting a separate and independent organization to oversee AVR programs run through the IOM would be more cost-effective option, and would match the demands of some European governments, in the end, it would make it all the more difficult for the IOM to make changes based on the sustainability of its programs in a timely or effective manner due to the burdening structure of an outside party.

The final course of action which the IOM could choose to undertake would involve the development of a department or task force within the IOM. This separate body within the organization would oversee and monitor programs throughout the entire return process, with particular emphasis on the consequences, effectiveness, and prospects of the returnees in their home country. This body would initially produce a comprehensive report analyzing the long- and short-term sustainability of AVR programs and identify changes which would need to be made to enhance their effectiveness. Following that, it would produce bi-annual reports consolidating data and information of ongoing and concluded return programs with updates on the situations of returnees in their home country. These reports would focus on evaluating the methods for disseminating information in the pre-departure stage, assessing problems faced by migrants, particularly women and children, as well as assessments of the economic, political, and social impacts of return on localities.³⁴

³³ Gammeltoft-Hansen, Thomas, *The New York Times*. "Can Privatization Kill?" <http://www.nytimes.com/2012/04/02/opinion/when-it-comes-to-immigration-privatization-can-kill.html> (accessed Nov 17, 2013).

³⁴ Koser Kahlid, "The Return and Reintegration of Rejected Asylum Seekers and Irregular Migrants."

This option is also not without precedent, drawing from infrastructure developed in a pilot monitoring project implemented by IOM Bern in 2010. This smaller scale operation provided a great deal of insight into the challenges of reintegration assistance for migrants who left Switzerland for their home countries and was able to release a detailed final monitoring report analyzing the program there.³⁵ Due to this trial operation, a number of changes will be able to be made for the Bern operated returns, improving the programs directly and rapidly without outside interference. From the lessons learned in conducting the pilot project in Bern, the IOM can begin to construct an overarching monitoring division for all AVR programs. Furthermore, this option will not be hindered by lack of resources as previous investigations into the sustainability of AVRs have been. Using the donor and state aided system already in place for voluntary return programs, the IOM can easily fund this new monitoring venture.

Conclusion

The IOM is the leading organization facilitating the safe and dignified return of migrants while encouraging their sustainable reintegration into their country of return.³⁶ As such, it is imperative that our organization take measures to address the situation currently confronting the AVR programs. Developing a new branch of the organization to monitor, record, and research return programs will allow the IOM to continue providing humane and uplifting services to migrants voluntarily seeking to return to their home countries without disruption. Such measures will also provide data for the organization to improve and expand

³⁵ IOM, "Assisted Voluntary Return and Reintegration," 76-77.

³⁶ IOM, "Assisted Voluntary Return and Reintegration," 24.

currently running AVR programs. This new department will moreover take into account the human rights concerns presented to the IOM by Human Rights Watch, Amnesty International, and other concerned humanitarian organization. By acting upon this recommendation, the IOM will also be addressing the demands expressed by state governments, both of origin and destination, to better understand the effects of AVR programs in order to see their continued use and success in the future. I urge the IOM and all relevant personnel to consider the recommendation further to prevent the collapse AVR programs themselves and the loss of legitimacy for the organization as a whole.

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